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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO ENRIQUEZ,

Plaintiff,

v.
STATE OF NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 3:21-cv-00085-ART-CSD

**ORDER GRANTING
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT
[DEFENDANTS' FIRST REQUEST]**

Defendants, Tim Garrett, Gail Waters, Harold Wickham and Brian Williams, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and William P. Shogren, Deputy Attorney General, hereby file their Motion for Extension of Time to Respond to Plaintiff's Motion for Summary Judgment. This is the first request for an extension of time to file responsive pleadings made by the Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS AND PROCEDURAL HISTORY

This is a pro se prisoner civil rights action brought by Plaintiff Antonio Enriquez (Enriquez), under 42 U.S.C. § 1983 and alleging a First Amendment free exercise claim, a First Amendment Establishment Clause claim, and a RLUIPA claim against Defendants. *See* ECF No. 4.

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Enriquez previously filed a Motion to Extend Discovery Deadlines (ECF No. 23), which this Court granted. ECF No. 29. This Court set the discovery deadline for January 5, 2023 and the dispositive motion deadline for February 6, 2023.

Enriquez then filed a Motion for Summary Judgment on November 15, 2022. ECF No. 37. The deadline for Defendants to file a response is December 6, 2022. There also is a pending Motion for Preliminary Injunction (ECF No. 26) and a pending Objection to Magistrate Judge's Report and Recommendation (ECF No. 32), both from Enriquez.

Defendants now request this Court extend the deadline to file a response to Enriquez's Motion for Summary Judgment, from December 6, 2022 to January 6, 2023.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

"Rule 6(b) gives the court *extensive flexibility* to modify the fixed time periods found throughout the rules, whether the enlargement is sought before or after the actual termination of the allotted time." *Lujan v. Nat'l Wildlife Fed.*, 497 U.S. 871, 906 n. 7 (1990) (internal quotation marks and citation omitted) (emphasis added). Further, this rule, like all the Federal Rules of Civil Procedure is to be liberally construed to effectuate the general purpose of seeing that cases (and other disputed issues) are decided on the merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir. 2010). Regarding "good cause," it is a non-rigorous standard that has been construed broadly across procedural and statutory contexts. *Id.* (citing *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004); *Thomas v. Brennan*, 961 F.2d 612, 619 (7th Cir.1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954 (4th Cir.1987)).

Consequently, requests for extensions of time made before the applicable deadline has passed should “normally ... be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” *Ahanchian*, 624 F.3d at 1259 (quoting 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed. 2004)).

III. LEGAL ARGUMENT

Defendants require a short, thirty (30) day extension to file a response to Plaintiff’s Motion for Summary Judgment. Defendants require additional time to fully prepare and brief the issues. Undersigned counsel is currently finalizing a motion for summary judgment due December 5, 2022, in another case (*Shepard v. Director, Nevada Department of Corrections, et al*, Case No. 3:19-cv-00579-RCJ-CSD). Undersigned counsel is also preparing for an upcoming summary judgment motion hearing in the case *Burch v. Daniels*, Case No. 27CV-TT12-2020-0145, scheduled for December 12, 2022. These events are in addition to other routine deadlines and court appearances throughout undersigned counsel’s caseload, such as early mediation conferences, case management conferences, and case settlement conferences.

Undersigned counsel submits that his recent and upcoming schedule and workload constitutes good cause¹ for granting an extension of time to file a response to Enriquez’s Motion for Summary Judgment. Enriquez will not be prejudiced by this extension, especially considering that the current deadline for dispositive motions is February 6, 2023. Defendants make this request in good faith and not to cause undue delay or for any other improper purpose.

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¹ The Ninth Circuit has given a non-exhaustive list of valid good-cause reasons in the context of F.R.C.P. 6(b). *See Ahanchia v. Xenon Pictures, Inc.*, 624 F.3d 1253. The Ninth Circuit noted reasons such as holidays, weekends, prior commitments, previously planned trips, other occupational duties, personal and familial obligations, and the health of legal professionals. *Id.* at 1258-60.

1 **III. CONCLUSION**

2 Defendants respectfully request this Court extend the deadline to respond to
3 Enriquez's Motion for Summary Judgment thirty (30) days from December 6, 2022 to
4 **January 6, 2023.**

5 DATED this 29th day of November, 2022.

6 AARON D. FORD
7 Attorney General

8 By:


9 WILLIAM P. SHOGREN, Bar No. 14619
Deputy Attorney General

10 *Attorneys for Defendants*

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12 IT IS SO ORDERED.

13 DATED: November 30, 2022.

14 
15 UNITED STATES MAGISTRATE JUDGE